IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT
DISTRICT OF NEW ME
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CLERK-ALBUQUERQ

LINDA BERGEY and JAMES R. BERGEY, SR.,

Plaintiffs,

vs. NO.:CIV-05-0536MCA/WPL

BOY SCOUTS OF AMERICA
d/b/a PHILMONT SCOUT RANCH BSA,

Defendant.

PROVISIONAL DISCOVERY PLAN

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1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on July 25, 2005, at 10:00 a.m., at the offices of Patrick A. Casey, P.A., and was attended by:

– Patrick A. Casey, Esq., of Patrick A. Casey, P.A., for Plaintiffs.

– Alfred L. Green, Esq., of Butt, Thornton & Baehr, P.C., Defendant.

2. Discovery Plan: The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

A. Plaintiffs' claims, Plaintiffs' damages, Defendant's defenses. Discovery will be needed as to all issues of liability and damages.

B. All discovery commenced in time to be completed by January 15, 2006.

C. Maximum of 50 Interrogatories by each party to any other party. (Responses due 30 days after service.)

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D. Maximum of 50 Requests for Production of Documents by each party to any other party. (Responses due thirty 30 days after service.)

E. Maximum of 50 Requests for Admissions by each party to any other party. (Responses due 30 days after service.)

F. Maximum of 25 depositions by Plaintiffs and 25 by Defendant.

G. Each deposition (other than of parties and experts) limited to a maximum of 4 hours unless extended by agreement of parties. The depositions of the parties and experts shall be limited to a maximum of 7 hours unless extended by agreement of parties.

H. Reports from retained experts under Rule 26(a)(2) are due from Plaintiffs by November 18, 2005. Reports from retained experts of Defendant will be due December 16, 2005.

I. Supplementation under Rule 26(e) due 15 days after receipt of discoverable information unless extended by the parties.

3. **Other Items.**

A. The parties request a Settlement Conference in January, 2006.

B. The parties request a Pre-Trial Conference in March, 2006.

C. Plaintiffs shall be allowed until September 16, 2005, to join additional parties and until October 14, 2005, to amend the pleadings.

D. Defendant shall be allowed until October 14, 2005, to join additional parties and until November 18, 2005, to amend the pleadings.

E. All potentially dispositive motions should be filed by February 15, 2006.

All Discovery Motions shall be filed by January 15, 2006.

F. Plaintiffs shall provide the Pre-Trial Order to Defendant by 60 days before trial, and Defendant shall submit the final Pre-Trial Order to the Court by 45 days before trial.

G. Settlement may be enhanced by use of the following dispute resolution procedure:

The parties will select a private mediator.

Respectfully submitted,

PATRICK A. CASEY, P.A
Attorneys for Plaintiffs

By: ______________________
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BUTT, THORNTON & BAEHR, P.C.
Attorneys for Defendant, Boy Scouts of America
d/b/a Philmont Scout Ranch BSA

By: ______________________
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